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REMARKS

Turning to paragraphs 1-3 of the Office Action mailed January 25, 2005, the Examiner has made a restriction requirement requiring Applicants to elect one of the following two groups of claims: I (those claims "drawn to the combination of a light source and an optics block to control the direction of the light beams, classified in class 362, subclass 494") and II (those claims "drawn to the structure of an optics block having collimating portion and deviator portion, classified in class 362, subclass 268").

Applicants respectfully elect, with traverse, group I (claims 1-14 and 30-73). The Applicants respectfully submit that claims 1-73 are all directed to an apparatus for controlling the vertical and, or, horizontal distribution of light. The Applicants feel that it is a mischaracterization of the claim set to read out these common limitations.

Applicants further submit that the requirement is otherwise improper and should be withdrawn. MPEP §806.05 sets forth the requirements for making a proper restriction based on related inventions.

The Examiner has specifically relied upon MPEP §806.05(c) and (d) as providing a valid basis for restriction. MPEP §806.05(c) provides a specific example that Applicants feel is pertinent when the pending claims are read with regard to the above mentioned common features:

> To support a requirement for restriction, both **two way distinctness** and reasons for insisting on restriction are necessary, i.e. separate classification, status, or field of search. See MPEP §808.02.

II. SUBCOMBINATION ESSENTIAL TO COMBINATION

AB_{sp}/B_{sp} No Restriction

If there is no evidence that combination AB_{sp} is patentable without the details of B_{sp}, restriction should not be required. Where the relationship between the claims is such that the separately claimed subcombination B_{sp} constitutes the essential distinguishing feature of the combination AB_{sp} as claimed, the inventions are not distinct and a requirement for restriction must not be made, even though the subcombination has separate utility.

In light of the above, the Applicants request that the Examiner reconsider the restriction requirement and regroup claims 1-73 and proceed to examination on the merits. The Applicants respectfully submit that the pending claims do not define related inventions in the meaning of MPEP §806.05. All of the pending claims recite open claim language due to the presence of the transitional phrase "comprising," and thus the components of the structure shown and described in the applications do not constitute **two way distinctness**. One would not have to be implemented to the exclusion of the other.

Turning now to paragraph 4 of the Office Action, the Examiner has made a restriction requirement requiring Applicants to elect one of the following six species: **I** (those claims corresponding to Figs. 2a – 2e); **II** (those claims corresponding to Figs. 2g – 2h); **III** (those claims corresponding to Figs. 3a – 3b); **IV** (those claims corresponding to Fig. 4a); **V** (those claims corresponding to Figs. 5 and 6); and **VI** (those claims corresponding to Figs. 7 - 9).

Applicants respectfully elect, with traverse, species **I** to which the Examiner contends that Claim 1 is generic. The Applicants respectfully submit that claims 1, 15,

30 and 52 are each Generic with respect to various features of the invention. For example, the carrier (275_) as depicted in Figs. 2a – 2e is depicted in greater detail in Figs. 2g – 2h with respect to an optics block (240_). Figs. 3a – 3b depict an exemplary apparatus, similar to Figs. 2a – 2b, depicting a light source and optics block incorporated within specific applications. Figs. 4a and 5-9 depict various detail of specific embodiments of optics block(s) relative to corresponding light source(s).

The Applicants further submit that the requirement is otherwise improper and should be withdrawn. MPEP §804.04(f) sets forth the requirements for making a proper restriction based on species. Specifically, MPEP §804.04(f) states:

> Claims to be restricted to different species **must be mutually exclusive.** The general test as to when claims are restricted, respectively, to different species is the fact that one claim recites limitations which under the disclosure are found in a first species but not in a second, while a second claim recites limitations disclosed only for the second species and not the first. This is frequently expressed by saying that the claims to be restricted to different species, must recite the mutually exclusive characteristics of such species.

Applicant submits that the pending claims do not define mutually exclusive characteristics of the present invention. All of the claims recite open claim language due to the presence of the transitional phrase "comprising," and thus the components of the structure shown and described in the applications may be coexisting. In fact, the Applicant has incorporated dependent claims depending from each independent claim that explicitly incorporate each of the features identified by the Examiner to be unique species. One would not have to be implemented to the exclusion of the other.

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For the reasons stated above, the Applicants submit that the requirements for election of an invention and election of a species as stated in the Office Action are improper and should be withdrawn. The Applicants, therefore, request that the Examiner withdraw the requirements for election of an invention and election of a species and proceed to examine claims 1-73. Please contact the undersigned should there be any questions.

Respectfully submitted,
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By: Gentex Corporation

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Date

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